

**CHRISTOPHER LEE MICHELSON,**

**Plaintiff,**

**vs.**

**QUINTIN MILLER, et al.,**

**Defendants.**

**THIS MATTER** is before the Court on Plaintiff's Motion to Vacate the Court's Order for Partial Payment Filing Fees While Incarcerated [Doc. 9].

Case 1:20-cv-00363-MR Document 10 Filed 04/14/21 Page 1 of 2

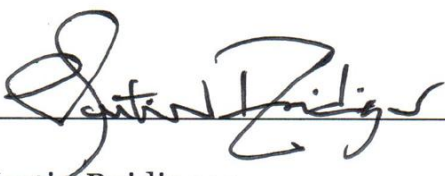
The Plaintiff now asks the Court vacate the Order for partial payment from his prison account because he has been released from custody and is making payments himself.<sup>1</sup>

The Motion is denied as moot. The Plaintiff has been released from prison, and therefore, he has no prisoner account from which to deduct the remaining payments. See DeBlasio v. Gilmore, 315 F.3d 396, 398 (4<sup>th</sup> Cir. 2003) (noting that an individual who has been released from prison has no prisoner's account from which to deduct the remaining payments). The Court notes that the Plaintiff may now attempt to satisfy the poverty provision that applies to non-prisoners, should he wish to do so.<sup>2</sup> Id. at 399.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Vacate the Court's Order for Partial Payment Filing Fees While Incarcerated [Doc. 9] is **DENIED AS MOOT.**

**IT IS SO ORDERED.**

Signed: April 14, 2021

  
\_\_\_\_\_  
Martin Reidinger  
Chief United States District Judge



---

<sup>1</sup> The North Carolina Department of Public Safety's website indicates that the Plaintiff was released on March 15, 2021. See <https://webapps.doc.state.nc.us/opi/offendersearch.do?method=view> (last visited Apr. 13, 2021).

<sup>2</sup> The application to proceed without the prepayment of costs and fees is available on the Court's website, <http://www.ncwd.uscourts.gov>.